IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 17949 of 2006(J)

AGAINST THE ORDER DATED / / IN IN EP 219/2005 IN OS.131/2002 of MUNSIFF COURT, OTTAPPALAM

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PETITIONER:

V.P.SAJITH, S/O.RAMANKUTTY,
AGED 34 YEARS, VADAKKEPURAKKAL HOUSE,
VENGASSERI.P.O, AMBALAPPARA VILLAGE,
OTTAPALAM TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT:

KANAKARAJAN, S/O.MANI MOOTHAN,
AGED 42 YEARS, 27/650, PALLIPPURAM,
PIRAYARI AMSOM AND DESOM, PALAKKAD TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.G.HARIHARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.17949/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PLAINT IN OS. NO.131/02 OF THE COURT OF THE MUNSIFF OTTAPPALAM.

EXT.P2:- COPY OF THE COUNTER STATEMENT DT. 2. 11.05 FILED IN E.P.219/05 OF THE COURT OF THE MUNSIFF, OTTAPPALAM.

EXT.P3:- COPY OF THE PROCEEDINGS PAPER IN EP. NO.219/05 IN OS. NO.131/02 OF THE COURT OF THE MUNSIFF, OTTAPPALAM.

/TRUE COPY/

P.S. TO JUDGE

tss

M.N.KRISHNAN, J

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W.P.(C) No.17949 OF 2006

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Dated this the 18th day of July, 2007

JUDGMENT

This writ petition is filed to set aside the order of the Munsiff's Court, Ottappalam directing the issuance of warrant against the writ petitioner and for further reliefs. As per the direction of this Court, an amount of Rs.10,000/- had been paid and it has been received by the decree holder. Now there is balance amount to be paid and the counsel for the petitioner submits that if reasonable time is granted, his client is prepared to pay the amount. Though difficult, the decree holder's counsel has also agreed for the proposal provided the payment is paid in time and in an appropriate manner.

2. Therefore, I direct the court below not to execute the warrant of arrest and the writ petition is disposed of as follows: The petitioner is directed to make the balance payment of the decree amount in 4 equal monthly instalments commencing from 22nd August, 2007. If the petitioner commits default in making payment of two consecutive instalments, the benefit given to him will stand automatically cancelled and the decree

holder can request the court to issue fresh warrant of arrest and detain him in civil prison.

With these observations, the writ petition is disposed of.

M.N.KRISHNAN, JUDGE

Cdp/-